

If there are any questions regarding the semi-annual PD/M report, please call (603) 271-1370 and request the Compliance Bureau, Enforcement Section prior to the reporting deadline.

Section III. Reporting Deviations from Title V Permit Requirements (i.e. permit deviations):

40 CFR 70.6(a)(3)(iii)(B) contains the requirements for reporting permit deviations. It states that permits shall require:

“Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permitting authority shall define prompt in relation to the degree and type of deviation likely to occur and the applicable requirements.”

The term “deviation” is not defined in 40 CFR 70. However, the term is defined in the NH Admin. Rules Env-A 101.204 as “any occurrence that results in an excursion from any emission limitation, operating condition, or work practice standard as specified in either a Title V permit, state permit to operate or temporary permit issued by the division.”

Either Section XXVIII or Section XXX of the Title V permit describes the requirements for reporting permit deviations. All permit deviations are required to be reported to DES within 24 hours of discovery of the deviation. Some Title V permits contain an 8-hour notification requirement, although most permits have been amended to require notification within 24 hours. DES requests that all deviations be reported within 24 hours. The deviation can be reported to DES by telephone, fax, or e-mail (pdeviations@des.state.nh.us). Permit deviations reported to DES by telephone must be followed up by a written report of the deviation within 15 days of discovery of the permit deviation. Deviations reported to DES within 24 hours by fax or by e-mail that contain all the information of the written report, fulfill both the 24-hour requirement and the requirement for the written report.

Note that the NH Admin. Rules Env-A 911 promulgated on 4/23/99, sets forth requirements for reporting permit deviations that are different from those of the Title V program. Title V sources must follow the requirements for reporting permit deviations contained in the permit and in this guidance document.

The written report must include the following information:

- 1) A citation of the permit paragraph or item # that was deviated from;
- 2) The specific device that contributed to the deviation, if applicable. This can include an air pollution control device;
- 3) The particular pollutant involved, if applicable;

- 4) A description of the permit deviation. If the deviation was a violation or exceedance of an emissions standard, include the magnitude of the emissions and an explanation of the calculation or estimation used to quantify the emissions;
- 5) The day(s) on which the permit deviation occurred;
- 6) The duration of the deviation, including the time the deviation began and ended; and
- 7) The cause of the deviation and the actions performed to correct the deviation and the preventive measures taken to prevent future occurrences.

Any permit term or condition that has not been complied with is a deviation of that permit term or condition and must be reported to DES as a permit deviation. The deviation may or may not be a violation of an emission limitation or standard. A permit deviation can occur while other indicators of compliance demonstrate that no emissions violation or exceedance has occurred. Failure to monitor data required by the permit, or at the frequency required by the permit, is also a permit deviation. Also, if other evidence shows that the parameter that was being monitored was outside of the compliance range during the period of missing data, or that an emissions violation or exceedance occurred that normally would have been indicated by the data that was not recorded, then this must also be reported as permit deviations. Reporting permit deviations to DES does not necessarily imply that enforcement action will be taken for the deviation. However, DES may choose to take appropriate enforcement action for permit deviations depending on the circumstances.

Permit deviations that have occurred during January through June, or July through December, must be summarized in the respective Semi-Annual Permit Deviation and Monitoring report (discussed in [Section II](#) of this guidance). Any deviation that was not reported to DES in detail as required, must be reported in detail in the semi-annual report.

Included with this guidance document is an optional form to use for reporting permit deviations by fax or e-mail. The source is not required to use this form or the particular format shown. However, all information listed on the form and noted above is required to be reported by the source no matter what reporting format is used.

The permit deviation report must include a Certification of Accuracy statement as discussed in [Section IV](#) of this guidance. The report must be signed by the Responsible Official listed on the cover page of the Title V permit. DES will accept permit deviation reports sent via e-mail without a signed Certification of Accuracy statement, in lieu of a faxed or mailed permit deviation report signed by the Responsible Official. The Semi-Annual Permit Deviation and Monitoring Report (as discussed in [Section II](#) of this guidance) must include a summary of all permit deviations reported during the semi-annual period. The Certification of Accuracy statement signed by the Responsible Official must be included on this semi-annual report certifies the accuracy of the individually reported permit deviations summarized in the report.

If there are any questions regarding reporting of permit deviations, please call (603) 271-1370 and request the Compliance Bureau, Enforcement Section prior to the reporting deadline.